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May 6, 2022

By ECF

Hon. Louis L. Stanton, U.S.D.J.
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *FTC et al. v. Quincy Bioscience Holding Co., Inc. et al.* (No. 17-cv-00124-LLS)

Dear Judge Stanton:

Plaintiff the People of the State of New York, by Letitia James, Attorney General of the State of New York ("NYAG"), respectfully requests that the Court temporarily maintain portions of the papers filed in support of the NYAG's Opposition to Defendant Mark Underwood's Motion for Partial Summary Judgment [Dkt. No. 210], to be filed contemporaneously herewith ("Opposition"), under seal. These documents were designated by Defendants as "Confidential" under the Protective Order in this matter. (Stipulated Protective Order Governing Confidential & Sensitive Personal Information (Feb. 11, 2020) [Dkt. No. 95].) The parties have conferred regarding the propriety of Defendants' confidentiality designations pursuant to Part IV of the Protective Order, but that process is not yet complete. Once it is complete, and any remaining disputes resolved by the Court if necessary, the NYAG intends to seek to have certain of these exhibits unsealed for public view as appropriate.

The documents in question are (a) exhibits to the Declaration of Kate Matuschak in Support of the NYAG's Opposition, to be filed contemporaneously herewith; (b) an unredacted version of the NYAG's Opposition; and (c) an unredacted version of the NYAG's Response to Defendant Mark Underwood's Rule 56.1 Statement, to be filed contemporaneously herewith. The latter two documents have been redacted to remove information that was derived from exhibits to the Matuschak Declaration that were designated "Confidential."

Matuschak to Hon. Louis L. Stanton, U.S.D.J.

Page 2 of 2

With respect to the Matuschak Declaration exhibits, the NYAG proposes to temporarily seal Exhibits C, D, H, K, and N in their entirety, because they are either marked “Confidential” by Defendants or derived from documents so marked. The NYAG additionally proposes to temporarily seal Exhibits I, J, and O to the Matuschak Declaration, which are unmarked but may contain confidential material, until it can be determined which portions of these documents, if any, qualify as “Confidential” under the Protective Order.

Respectfully submitted,

/s/ Kate Matuschak

Kate Matuschak

Assistant Attorney General

New York State Office of the Attorney General

cc: Counsel of Record (via ECF)